



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 7/28/05

Agenda Item 1

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Use Permit No. PL-2004-0312 – Kim Simmons (Applicant) /Robert J. Simmons (Owner) - Request for Allowing Outdoor Storage of Construction Materials

The Property Is Located at 24493 Clawiter Road in the Industrial (I) District

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from environmental review and approve the Conditional Use Permit subject to the attached findings for approval and conditions of approval.

DISCUSSION:

The property, zoned Industrial District, contains approximately 9.9 acres and is approximately 440 feet wide by 1000 feet deep. It borders industrial buildings to the north and south and the Union Pacific Railroad right-of-way to the east. There are two buildings on the property. One, located in the front, is approximately 125,000 square feet in area and another, connected by a breezeway, to the rear is approximately 20,000 square feet. The original approved building permits plans provided 114 parking spaces in the front and rear of the property. The rear parking stalls have subsequently been removed leaving the site with 50 parking spaces. Under the current parking regulations, 97 parking spaces are required.

Two businesses, ConXtech and RJS & Associates, occupy the site and are separate entities owned and operated by the property owner, Robert J. Simmons. ConXtech manufactures a steel frame building system and RJS & Associates is a concrete construction company. RJS & Associates uses a portion of the front building for administrative offices and would like to use the undeveloped rear portion of the parcel for storage of wood and aluminum concrete forms. The remaining front building is used by ConXtech for fabricating its steel frame building system. It uses the building to the rear for indoor storage and the paved yard area immediately to the south and north of it for outdoor storage. The applicant has been using these areas for outdoor storage without the benefit of a conditional use permit.

Major outdoor storage requires approval of a conditional use permit to ensure that it would occur in maximum harmony with the surrounding area and accordance with City policies. The applicant is applying for a use permit to allow use of the rear portion of the property, both the undeveloped area and the paved area to the north and south of the rear building for outdoor storage. The applicant proposes to locate building material in 30x50 foot or smaller clusters, stacked 15 feet high, on crushed gravel, spaced a minimum of 20-feet apart, along an asphalt concrete vehicular driveway. The driveway would enable fire truck access to the buildings and stored building materials. The applicant would restore the rear parking area to meet the required 97 parking stalls. The zoning ordinance requires one 15-gallon parking lot tree for every six parking stalls and a landscape planter at the ends of parking rows for new parking areas. The applicant requests to locate the required parking lot trees and landscape islands in the existing front parking lot where they would have the greatest impact. Staff concurs and is supportive of the applicant's request.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities.

PUBLIC NOTICE:

On July 18, 2005 a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. No comments were received in response to the public notices.

CONCLUSION:

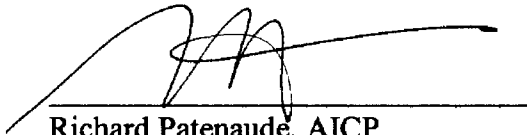
Staff is supportive of the applicant's requests and recommends approval of the project. The outdoor storage is contained at the rear of the property and the landscape improvements in the front parking lot would further screen the rear storage area, enhance the streetscape and be in harmony with the surrounding area.

Prepared by:

A handwritten signature in black ink, appearing to read 'Carl T. Emura', written over a horizontal line.

Carl T. Emura, ASLA
Associate Planner

Recommended by:

A handwritten signature in black ink, appearing to read 'Richard Patenaude', written over a horizontal line.

Richard Patenaude, AICP
Principal Planner

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions for Approval
Plans

FINDING FOR APPROVAL

Use Permit No. 2004-0312

Kim Simmons (Applicant)/Robert Simmons (Owner)
24493 Clawiter Road

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*; and
- B. The proposed major open storage area use is desirable for the public convenience or welfare in that it allows the business to utilize the storage area at the rear of the property with no detrimental impact to surrounding properties or the area in general; and
- C. The proposed major open storage area use will not impair the character and integrity of the zoning district and surrounding area because the storage area is set back at the rear of the property and the front parking lot landscape improvements would further screen the outdoor storage area.
- D. The proposed major open storage area will not be detrimental to the public health, safety, or general welfare since the location of the storage would be located at back the rear of the property and the front parking lot landscape improvements would further screen the outdoor storage area.
- E. The proposed major open storage area use is in harmony with applicable City policies and the intent and purpose of the zoning district involved in that the site is intended for industrial development and use and the open storage area is a conditionally permitted use in the industrial district.

CONDITIONS OF APPROVAL

Use Permit No. 2004-0312

Kim Simmons (Applicant)/Robert J. Simmons (Owner)
24493 Clawiter Road

General

1. Use Permit Application No. 2004-0312 is approved for a major open storage area, subject to conformance with the specific conditions listed below. The improvements shall be constructed prior to use of the storage area and operated in accordance with Exhibit A.
2. This approval is void one year after the effective date of approval, unless the approved operations have begun subject to any required permits. Any modification of the approved plans shall require review and approval by the Planning Director.
3. Applicant shall apply for all necessary building permits from the Building Division. All structures and building improvements must be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward.
4. The property owner shall maintain in good repair all building exteriors, walls, lighting, drainage facilities, and driveways. The premises shall be kept clean and any graffiti shall be painted or removed within seven days of occurrence.
5. Violation of these conditions is cause for revocation of the use permit after a public hearing before the duly authorized review body.

Planning

6. Trash bins shall be located within the building or an outdoor trash enclosure approved by the Planning Director shall be provided.
7. Signage shall comply with the City of Hayward's Sign Ordinance and a sign permit shall be obtained.
8. Forty-seven additional parking stalls shall be provided to comply with the City's Parking Regulations
9. The storage yard shall have security lighting installed that complies with the City Security Ordinance. The lighting plan shall be designed by a qualified lighting designer. Exterior lighting shall be shielded and deflected away from neighboring properties.

Landscaping

10. Replace all missing, dead or damaged trees, shrubs, and groundcover in the existing approved landscape areas.
11. Parking lot trees and landscape islands and tree wells shall be provide in the front parking lot. One 15-gallon parking lot tree shall be provided for every 6 parking stalls. Species shall be approved by the City Landscape Architect. Landscape islands shall have a minimum 5-foot interior width. Landscaping and an automatic water efficient irrigation system shall be provide in all landscaping islands and tree wells.
12. A Class B Portland Cement shall be constructed to a height of 6 inches above the finish pavement for all landscape islands and tree wells.
13. One 24" box street tree minimum shall be provided at 20 to 40 feet on center. Number of trees and species shall be approved by the City Landscape Architect.
14. Landscaping shall be maintained in a healthy, weed-free condition at all times. The homeowner's association representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Engineering

15. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.
16. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
17. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
18. The gravel surface shall be 6 inches deep minimum.

19. A grading and drainage plan shall be provided for review and approval by the City Engineer. Grade elevations of the proposed compacted base rock shall be shown.

Water Pollution Source Control

20. Stormwater best management practices shall be implemented to control the exposure of pollutants to rainwater to maximum extent practicable.
21. All on-site storm drain inlets shall be cleaned at least once per year immediately prior to the rainy season.

Fire Department

22. As per the submitted plans, site access into and out of the storage yard shall be maintained throughout to allow fire apparatus to travel about.
23. Paved access shall be all-weather surface and engineered and designed to withstand the gross vehicle weight (GVW) of fire apparatus (50,000 lbs.).
24. Gates shall be provided with either a lock box (manually operated) or a Fire Department key switch (automated or electrically operated).
25. There shall be no other types of storage allowed within the yard beyond the dedicated storage areas (piles) that will create an obstruction to fire access (entry, exiting and turning around), unless reviewed and approved by the Fire Department.
26. Dedicated storage areas shall be either striped or cordoned off to alert employees who are working in the yard as to the proper storage perimeters.
27. The storage of pipe and related materials shall be performed in a safe and acceptable manner so as to prevent any type of toppling, which ultimately may result in injury or death to employees and workers.
28. Portable fire extinguishers shall be located throughout the storage yard in locations acceptable to the Fire Department. Fire extinguishers shall have a minimum rating of 2A:10BC or other required rating pending use of area.
29. Exterior areas (on the property) where fabrication and/or cutting/welding operations are conducted shall be in compliance with the Fire Code. Any use of open flame process shall be maintained a minimum clear distance of 25 feet from any combustible materials.

30. The new (on-site) fire hydrants shall be installed per City standards. The required minimum flow shall meet 2,500 gallons per minute at 20 PSI.
31. The type of fire hydrant shall be double steamer with 2 – 4 ½" outlets and 1 – 2 ½" outlet.
32. Protective crash posts shall be installed around each fire hydrant to try and prevent any vehicular impact and damage to the fire hydrant. Crash posts shall be installed per City standards.
33. A blue reflective hydrant marker shall be installed on the pavement adjacent to each fire hydrant location.
34. The site shall have an address posted on the exterior of the perimeter fence. A monument address sign shall be installed in an approved location with a minimum 6-inch address number installed on a contrasting background.
35. The buildings' existing fire sprinkler system shall be current with the 5-year state certification.
36. Central station monitoring of the existing fire sprinkler system is required.
37. An interior audible alarm device(s) equipped with a manual pull station shall be installed within the building as part of the fire sprinkler system.
38. Portable fire extinguishers having a minimum rating of 2A:10BC shall be installed within the building in locations acceptable to the Fire Department. Where other hazardous uses are being conducted, appropriate types of fire extinguishers shall be utilized.
39. Storage within the building shall be in accordance with the Fire Code and Fire Department requirements. A building permit is required for the installation of storage racks (6 feet or higher). If the storage arrangement qualifies for high pile storage (12 feet or higher, or 6 feet or higher for high hazard commodities), the business will be required to obtain a Fire Department annual permit, at which time, additional requirements may be imposed.
40. Welding, cutting and fabrication of construction materials will require a Fire Department annual permit. Areas within the building used for these purposes shall be in compliance with the Fire Code.
41. Any use and/or storage of hazardous materials shall be documented and reported to the Fire Department at time of building permit submittals or final inspection of the proposed improvements. A chemical inventory shall be completed as part of the application and shall identify any hazardous materials being used and/or stored within the building or on the premise. Until receipt of the inventory, use

and/or storage of hazardous materials shall not be allowed or restricted to the allowable quantities (as per the Fire Code). Permits may be required for the storage and use of hazardous materials.

42. The applicant shall be responsible for obtaining a City of Hayward business license prior to occupying the building.
43. A minimum 12-inch building address shall be installed on a contrasting background on the exterior of the building in a location acceptable to the Fire Department.
44. The existing (30,000 gallon capacity) aboveground LPG tank on the property and all associated vehicles and equipment shall be properly removed when the present propane distributor discontinues the use.
45. The applicant (ConXTech) shall work with the environmental consultant to properly maintain monitoring wells and provide access for monitoring, investigation and cleanup activities.
46. The applicant (ConXTech) shall keep current an annual Hazardous Materials Unified Program Consolidated Permit and Hazardous Materials Business Plan.



REMOVED BARRIERS		
OFFICER	1/204 SP/200	400 STALLS
PROSECUTION	24/200 + 24/200 SP/200	400 STALLS
MANAGER		4 STALLS
TOTAL REMOVED PARKING		80 STALLS
TOTAL REMOVED STALLS		
EMPTIED PARKING STALLS		47 STALLS
EMPTIED MANAGER STALLS		1 STALL
NEW PARKING STALLS		40 STALLS
NEW MANAGER		1 STALL
TOTAL PARKING STALLS		87 STALLS
REMOVED ALTERNATING TURN PLAN		

FOR EVERY SMITH, ANOTHER, BARRING, WILL SEE THEM WALK
DOWN THE STAIRS TO THE BOTTOM OF THE HILL.

PROJECT NOTES:

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JS / CON-X-TECH
24495 CANYON RD
HAYWARD, CA 94545

APN 439-020-002-4
PRELIMINARY SITE PLAN

2004.040